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10/066,631	02/04/2002	Akseli Anttila	04770.00032	4427

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EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/066,631	Applicant(s) ANTTILA ET AL	
	Examiner KIEU-OANH T. BUI	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date, _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Laitinen et al. (US Patent 6,778,834 B2).

Regarding claims 1 and 31, Laitinen discloses a system (Fig. 5 with mobile devices 512) and a corresponding method of transmitting an alert message from a first mobile wireless device to a second mobile wireless device, the first mobile wireless device comprising a first media player and the second mobile wireless device comprising a second media player, i.e., a first device can be a wireless media device and the second device can be any wireless media player such as a Web-enabled phone or a portable wireless device or a DVB receiver (Fig. 5 and col. 5/lines 57-65 and understood comprising a media player because of their capability of displaying and playing of audio/video and also exchanges messages to each other, see the examiner's arguments below), the method comprising:

(a) presenting broadcast content to a first user of the first media player, i.e., a first user of the first media player can receive an alert message from a broadcast content source, for example, an advertising (Figs. 3a-c, and col. 3/line 54 to col. 4/line 26);

(b) generating at the first media player the alert message formatted to reconfigure the second media player to provide the broadcast content to the second user of the second media player, i.e., the user can tune or set the alert message from the first media player to the second media player by customizing to his/her preference and reconfigure the second media player to receive the alert by using either WAP, MIME, SMS, WML, and/or bluetooth standard for communicating to other wireless media device (refer to col. 6/line 45 to col. 7/line 64 and col. 9/lines 13-67 for SMS text message using addresses for sending messages; and since devices 512 can be any type of device, and the system can reconfigure parameters for displaying at another media device, as noted in col. 8/lines 15-47); and

(c) transmitting the alert message from the first media player to the second media player to provide the broadcast content to the second user of the second media player, i.e., the alert message is then broadcasting the content to the second user of the second media player (as shown in Fig. 5, as devices 512 can be any wireless media device and using SMS or any standard as noted above, the alert message is delivering to other users (refer to col. 5/lines 34-65).

As for claim 2, in view of claim 1, Laitinen discloses “wherein the tune alert message comprises at least one content selection configuration parameter of the first media player”, i.e., content selection configuration parameters are provided to the user for selecting or customizing (Figs. 1 & 2 and 4 as the user supplies the parameters as keywords for the receiving content, refer to col. 3/lines 26-53).

As for claim 3, in view of claim 1, Laitinen further discloses “wherein the content comprises audio content received from a radio broadcast source”, i.e., the user can listen to local news from a radio broadcast source using a DVB terminal (col. 5/line 65 to col. 6/line 23 including audio and visual alert).

As for claim 4, in view of claim 1, Laitinen further discloses “wherein the content comprises audio-visual content received from a video broadcast source”, i.e., local news is broadcasting to the user including audio and visual content (col. 5/line 65 to col. 6/line 17 for displaying of additional information related to the alert message viewed on the terminal screen, for instance, of a hockey game with score, names of players and remaining times etc.).

As for claim 5, in view of claim 1, Laitinen further discloses “wherein the tune alert message comprises an identification of a content source”, i.e., the user whoever sends the tune alert message is identified by their address and by its header (refer to col. 9/lines 13-67).

As for claim 6, in view of claim 5, Laitinen further discloses “wherein the tune alert message further comprises profile information to characterize the broadcast content” (Figs. 3A-3D for profile information associated with the broadcast content, i.e., some advertisements as shown in Fig. 3D).

As for claim 7, in view of claim 1, Laitinen further discloses “wherein (c) comprises transmitting the tune alert message from the first media player to a message server”, i.e., a message server is provided for the user to send and retrieve messages/data from and to that server (Fig. 5/server 502).

Regarding claims 8-9, Laitinen discloses “a method of adjusting a configuration of a mobile wireless device to receive broadcast content, the mobile wireless device comprising a media player, the method comprising: (a) receiving at the media player an alert message formatted to reconfigure the media player to provide the broadcast content to a user of the media player; (b) presenting the alert message to the user of the media player; and (c) reconfiguring the media player to process the broadcast content”; “after (b) receiving an input from the user accepting or denying the tune alert message” (refer to claim 1 above); and wherein (c) comprises reconfiguring the media player to process the broadcast content only when the user accepts the tune alert message”, i.e., the user only accepts the tune alert message based on conditions that he/she set up or filtering for receiving the broadcast content (refer to Fig. 4 & 9 and col. 11/line 65 to col. 12/line 25 for filtering out whether to accept or deny the alert message as Save or delete the message).

As for claim 10, in view of claim 8, Laitinen further discloses “wherein the tune alert message comprises configuration parameters of another media player”, i.e., configuration parameters of another media player is provided (Fig. 5, because devices 512 can be any type of device, and the system can reconfigure parameters for displaying at another media device, as noted in col. 8/lines 15-47).

As for claims 11-13, Laitinen further discloses “wherein the content comprises audio content received from a radio broadcast source”; “wherein the content comprises audio-visual content received from a video broadcast source”; and “wherein the tune alert message comprises an identification of a content source” (refer to claims 3-5 above).

As for claim 14, in view of claim 8, Laitinen further discloses including “before (b): comparing at least one parameter of the tune alert message to at least one preference parameter provided by a user of the media player”, i.e., before presenting the tune message to the user, the comparison step of at least one parameter of the tune alert message against at least one preference parameter provided by the user of the media player (Figs. 1 & 2 and 4 as the user supplies the parameters as keywords for the receiving content, refer to col. 3/lines 26-53).

As for claim 15, in view of claim 8, Laitinen further discloses “wherein the broadcast content comprises promotional content”, i.e., advertising content is providing to the user (as shown in Figs. 3A-3D).

Regarding claim 16, Laitinen discloses “a mobile wireless device configured to receive messages and broadcast content, the mobile wireless device comprising: a media player, the media player comprising: a communication module that receives a message identifying a source of broadcast content; a tuner that is adjustable to process content received from a plurality of different sources of broadcast content; and an alert module configured to adjust the tuner to process content received from the source of the broadcast content identified in the message” (Fig. 9, either network transceiver 206 or short range transceiver 204 works as alternative tuner in tuning, interfacing and adapting to different network protocols and transceiver 204 tunes and adapts the bluetooth standard for wireless communication; and filtering application 216 in col. 12/lines 10-25 works as an alert module for alerting a preferred message based on the user’s setting and from different sources as shown in Fig. 5 for a DVB station for receiving digital video broadcast and as in col. 6/lines 18-65 for receiving Internet contents with HTTP protocol).

As for claims 17-19, in view of claim 16, Laitinen further discloses “wherein the tuner processes radio content”; “wherein the tuner processes video content” and “wherein the tuner process multimedia content” (Fig. 9, claim 16 above for tuner, and claims 3-5 for media contents).

Regarding claims 20, 29, and 32, these claims for “a computer-readable medium containing computer-executable instructions for causing a first mobile wireless device comprising a first media player to perform the steps comprising: (a) presenting content to a user of the first media player, (b) generating at the first media player a tune alert message that may be used to reconfigure a second media player to provide the content to a user of the second media player; and (c) transmitting the tune alert message from the first media player to the second media player to provide the broadcast content to a user of the second media player” and the step of “receiving and tuning the first media player from another wireless device” are rejected for the reason given in the scope of claims 1, 8, and 16 as already disclosed above with a computer readable medium such as a GUI within local devices and equipped with an Internet browser (WAP) for executing executable instructions for the media player or the local devices to perform those steps as disclosed earlier.

As for claims 21 and 30, Laitinen discloses “a mobile wireless device comprising a media player comprising: a means for selecting content to present to a user; a means for transmitting tuning information that corresponds to the content and is formatted to be used to tune a remote device” (see claim 8, wherein the limitation of “to tune to a remote device” referred to another device or a second local device as already discussed, and means for receiving tuning information

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from another mobile wireless device and tuning to a source of the other broadcast; furthermore, as in view of claim 16 above.

As for claims 22, Laitinen discloses “a mobile terminal, comprising: a transceiver module that sends and receives messages; a tuner module configurable to select broadcast content; a tune alert module coupled to the tuner module and the transceiver module, the tune alert module generating tune alert messages that are formatted to adjust a tuner module of another mobile terminal” (Fig. 9 and see claim 16 above).

As for claim 23, in further view of claim 1, Laitinen teaches this limitation as the second user can receive the broadcast content sent from the first mobile device with broadcast parameter and source of broadcast (as discussed in claims 2-5 above).

As for claim 24, Laitinen shows the broadcast content and the alert message is clearly in different communication channels by using appropriate network interfaces for pushing broadcast content (Figs. 3A-3D & Fig. 5 and claim 1 above), but the messages from mobile to mobile is by using either WAP, MIME, SMS, WML, and bluetooth standard for communicating to other wireless media device (refer to col. 6/line 45 to col. 7/line 64 and col. 9/lines 13-67 for SMS text message using addresses for sending messages; and since devices 512 can be any type of device, and the system can reconfigure parameters for displaying at another media device, as noted in col. 8/lines 15-47).

As for claims 25-27, these claims simply referred to the alert message contains at least broadcast parameter and source of the broadcast content so the media player can tune to the broadcast source, as repeatedly disclosed above, Laitinen discloses the local device with either

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transceiver 204 or 206 as a tuner for automatically tuning to the broadcast source and view the content with at least one broadcast parameter (Figs. 1-2, 3A-3D, 6A & 6B).

As for claim 28, Laitinen shows the broadcast content and the alert message is clearly different as one can receive the video content on one separate window and the alert message can be viewed on a separate window (as shown in Figs. 6A & 6B at the bottom of the display of the DVD terminal, refer to col. 5/line 65 to col. 6/line 17).

Response to Arguments

3. Applicant's arguments filed on 09/27/05 have been fully considered but they are not persuasive.

Applicants mainly concern and focus on the issue that Latinen does not show the alert message from "a first mobile wireless device" to "a second mobile wireless device" and "the first mobile wireless device comprising a media player" as well as "the second mobile wireless device comprising a media player" in the preamble of the claims 1, 8, 16, 20, 21, 22, and 31.

In fact, claims 1-32 would have been rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. The simple reason is because Figs. 1 and 4-6 of the present application straightly presenting a media player or a mobile wireless device as one entity, not separated devices. So the claim languages as stated simply misleading and incorrect claiming for the present application. Therefore, the examiner treats the mobile wireless device and the media player as one implemented device as the wireless mobile device or PDA or WAP mobile phones (as indicated in the action), since the present specifications also mentions "a media may be implemented to a hand held wireless device" and

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“the media player may also be implemented with a mobile telephone device” (page 4, section 19) and Figs. 4-6 shows clearly a PDA or personal digital assistant device, not really exactly “a mobile wireless device comprising a media player” as claimed and argued.

Therefore, the examiner strongly believes Laitinen reads on each and every feature of the claims as disclosed and explained in this final office action.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to "Krista" Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui
Primary Examiner
Art Unit 2611

KB

Nov. 22, 2005